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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,516	01/09/2006	Andreas Ksyk	5255-44PUS	8815

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

LE, MARK T

ART UNIT	PAPER NUMBER
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3617

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/557,516

Applicant(s)

KSYK, ANDREAS

Examiner

Mark T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The replacement sheet containing Figure 2, filed on November 21, 2005, is not approved for entry because the configuration of structure 30 and how it is associated with the apertures in the first and second rails, as shown in the proposed Figure 2, is not fully supported by the originally filed disclosure.
2. Since the proposed drawing correction has not been approved for entry, any corresponding changes in the specification should be removed so as to maintain consistencies between the specification and the drawings.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the centering element received in the pair of apertures so that each centering element is received in one of the apertures of the first rail and in one of the apertures in the second rail, as recited in the last paragraph of claim 6, must be shown or the feature must canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In claim 7, lines 4-5, the expression "wherein the first and second guiding rollers" is recited twice. Correction is required.

Claims 8 and 9 must be ended with a period.

In claims 10-13, the expression "the guiding rails" should be changed to -- the rails -- or -- the first and second rails -- because there is no antecedent basis for said expression.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 6-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the instant claimed centering element received in at least a pair of the apertures so that each centering element is

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received in one of the apertures of the first rail and in one of the aperture of the second rail, as recited in the last paragraph of claim 6, is not fully supported by the originally filed disclosure.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 8, 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kano (US 5,090,171) in view of Zaguroli (US 5,598,785) and Taylor (US 6,269,944).

Kano discloses a rail guide apparatus similar to that recited in the instant claims, including partition 22 supported by leading and following carriages; wherein, each comprises gliding component 11, bolt 21, carrying rollers 12, guiding rollers 14, and wherein, the carriages are guided along track 30 that includes first and second rails in the form of a single piece.

Zaguroli discloses track 12 that includes first and second rails in the form of separate pieces that are connected together by mounting and attaching assembly 10.

In view of Zaguroli, it would have been obvious to one skilled in the art to form the track of Kano in two separate pieces and then connect them together, in a manner similar to that taught by Zaguroli, so as to achieve the expected advantages thereof.

Regarding the instant claimed centering element received in the respective apertures of the rails, consider bolts 64 and apertures 68 of Zaguroli, wherein, bolts 64 are readable as centering elements. Note that the structure of Kano, as modified in view of Zaguroli, would also include the similar centering elements and associated apertures.

Regarding the instant claimed apertures proximate the slot between the lower legs, consider apertures 27 for receiving dowel pins 28 of Taylor. In view of Taylor, it would have been obvious to one skilled in the art further provide apertures, similar to that taught by Taylor, in the structure of Kano so as to receive dowel pins for ensuring that all connected rail portions are in alignment for providing smooth travels along the track.

Regarding the groove recited in instant claim 10, consider the outer groove at 62 Zaguroli, and the structure of Kano, as modified, which has the similar outer grooves for receiving attachment means.

Regarding the instant claimed externally mounted bracket, as recited in instant claim 14, consider the externally mounted brackets shown in Figure 4 of Taylor. In view of Taylor, it would have been obvious to one skilled in the art to further provide externally mounted brackets, similar to that taught by Taylor, in the structure of Kano, as modified, so that the brackets can be adapted for performing similar functions of Taylor's structure, or for any additional uses, such as supporting and/or guiding any external devices mounted thereon.

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9. Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matimura (US 4,555,828) in view of Zaguroli (US 5,598,785) and Taylor (US 6,269,944).

Matimura discloses a rail guide apparatus similar to that recited in the instant claims, including partition A,B or C supported by leading and following carriages; wherein, each comprises gliding component 10, bolt 8, carrying rollers 11, guiding rollers 13, 14, and wherein, the carriages are guided along track 2 that includes first and second rails in the form of a single piece.

Zaguroli discloses track 12 that includes first and second rails in the form of separate pieces that are connected together by mounting and attaching assembly 10.

In view of Zaguroli, it would have been obvious to one skilled in the art to form the track of Matimura in two separate pieces and then connect them together, in a manner similar to that taught by Zaguroli, so as to achieve expected advantages thereof.

Regarding the instant claimed centering element received in the respective apertures of the rails, consider bolts 64 and apertures 68 of Zaguroli, wherein, bolts 64 are readable as centering elements. Note that the structure of Matimura, as modified in view of Zaguroli, would also include the similar centering elements and associated apertures.

Regarding the instant claimed first and second guiding rollers being positioned at different heights, consider guiding rollers 13 and 14 of Matimura that are positioned at different heights.

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Regarding the instant claimed apertures proximate the slot between the lower legs, consider apertures 27 for receiving dowel pins 28 of Taylor. In view of Taylor, it would have been obvious to one skilled in the art further provide apertures, similar to that taught by Taylor, in the structure of Matimura so as to receive dowel pins for ensuring that all connected rail portions are in alignment for providing smooth travels along the track.

Regarding the groove recited in instant claims 10-12, consider the outer groove at 62 Zaguroli, and the structure of Matimura, as modified, has the similar outer grooves for receiving attachment means.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri, between 8:15-4:45 (teleworking).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Tuan Le
Primary Examiner
Art Unit 3617

mle
10/25/07

Figure 2

